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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
U S WEST Communications, Inc. Petition)
for Forbearance from Application of)
Section 272 of the Communications Act of) CC Docket No. 96-149
1934, as Amended, to Previously)
Authorized Services)

REPLY COMMENTS OF U S WEST COMMUNICATIONS, INC.

U S WEST Communications, Inc. ("U S WEST") hereby responds to the comments of AT&T Corp. ("AT&T") and MCI Telecommunications Corporation ("MCI")¹ on U S WEST's Petition for Forbearance (or "Petition")² from the requirements of Section 272 of the Telecommunications Act of 1996,³ as they might otherwise apply to U S WEST's provision of E911 service on an interLATA basis.

Neither AT&T, nor MCI, would disapprove U S WEST's Petition, at least to the extent it would enable U S WEST to provide E911 without using a separate affiliate. Both, however, ask the Federal Communications Commission ("Commission") to impose the nondiscrimination requirements of Section 272(c)(1) –

¹ Comments of AT&T and MCI were filed on Apr. 21, 1997.

² U S WEST's Petition for Forbearance filed Mar. 14, 1997. See also corrected Public Notice, Pleading Cycle Established For Comments On Petitions For Forbearance From Application Of Section 272 Of The Communications Act To Previously Authorized Services, CC Docket No. 96-149, DA 97-599, rel. Mar. 25, 1997.

³ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) ("1996 Act"). And see 47 U.S.C. § 272.

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and in the case of MCI, those of Section 272(e) as well – on U S WEST's provision of the service.⁴ There is no need to implement these proposals, and the Commission should reject them.

AT&T and MCI both ignore a critical fact: U S WEST – like all the Bell Operating Companies ("BOC") – has been providing E911 service on an interLATA basis since before divestiture, and it has been doing so on an integrated basis. Throughout this history, no party has complained that U S WEST has engaged in discrimination that might be addressed by Section 272(c) or Section 272(e). More important, these Sections would have little or no application to a BOC's provision of E911 service on an integrated basis. For example, Section 272(c)(1), which prohibits a BOC from discriminating in favor of its separate affiliate, cannot apply to a situation in which a BOC provides service on an integrated basis: there is no separate affiliate for it to discriminate in favor of.

MCI argues that it has a legal obligation to provide emergency operator services on an interLATA basis, and thus requires access to the emergency numbers in the BOCs' E911 databases, as well as the ability to load its customer records into

⁴ MCI argues it is "extremely doubtful that forbearance from . . . any nondiscrimination requirements, would ever be appropriate" because "the marketplace cannot be relied upon to prevent unjust or unreasonable discrimination by a dominant carrier[.]" MCI at 2-3. That misstates the standard of Section 10 of the 1996 Act, which requires the Commission to forbear application of a regulation, or (with some exceptions) of a provision of the 1996 Act, if (among other requirements) "enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory." 47 U.S.C. § 160(a)(1). Section 10 does not limit forbearance to situations in which the "marketplace" can control the actions of the carrier seeking forbearance.

E911 databases.⁵ MCI further argues that the Commission has required the incumbent local exchange carriers ("LEC"), including the BOCs, to provide E911 on an unbundled basis pursuant to Section 251(c)(3).⁶

All that may be true, but it has nothing to do with a BOC's provision of interLATA E911 service. Indeed, the argument is a complete non sequiter. The issues MCI addresses arise (if at all) because the BOCs provide E911 service, and they would exist even if a BOC provided that service on a completely intraLATA basis. That the BOCs have elected to provide E911 on a more efficient, interLATA basis creates no additional issues of potential discrimination and it does not change the BOCs' obligations (whatever they might be) to provide E911-related services and network elements to other carriers. Yet, it is the interLATA component of the service that enables MCI and AT&T to argue for application of the nondiscrimination requirements of Section 272. In other words, the issues MCI and AT&T raise have no relationship to the remedy they would impose. And if Section 251(c)(3) requires the BOCs to provide nondiscriminatory access to E911 service, what purpose would the Commission serve by imposing the same requirement under Section 272(c) or (e)?

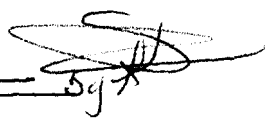
No party to this proceeding has shown cause to deny U S WEST's Petition, and no party has shown good reason to impose conditions on the grant of that Petition. The Commission should grant U S WEST's Petition for Forbearance, without conditions, and thereby allow U S WEST to continue providing E911

⁵ MCI at 4-6.

service without using a separate affiliate to do so.

Respectfully submitted,

U S WEST COMMUNICATIONS, INC.

By: Richard A. Karre 

Richard A. Karre

Suite 700

1020 19th Street, N.W.

Washington, DC 20036

(303) 672-2791

Its Attorney

Of Counsel,
Dan L. Poole

May 6, 1997

⁶ Id. at 5.

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 6th day of May, 1997, I have caused a copy of the foregoing **REPLY COMMENTS OF U S WEST COMMUNICATIONS, INC.** to be served, via first-class U.S. Mail, postage-prepaid, upon the persons listed on the attached service list.



Kelseau Powe, Jr.

***Via Hand-Delivery**

(CC961496N.COS/DK/lh)

***James H. Quello**
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, DC 20554

***Reed E. Hundt**
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, DC 20554

***Susan P. Ness**
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, DC 20554

***Rachelle B. Chong**
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, DC 20554

***Regina M. Keeney**
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, DC 20554

***Richard K. Welch**
Federal Communications Commission
Room 544
1919 M Street, N.W.
Washington, DC 20554

***Janice M. Myles**
Federal Communications Commission
Room 544
1919 M Street, N.W.
Washington, DC 20554

***Radhika Karmarkar**
Federal Communications Commission
Room 544
1919 M Street, N.W.
Washington, DC 20554

(2 Copies)

***Michele Farquhar**
Federal Communications Commission
Room 5002
2025 M Street, N.W.
Washington, DC 20554

***International Transcription
Services, Inc.**
Suite 140
2100 M Street, N.W.
Washington, DC 20037

Frank W. Krogh
Mary L. Brown
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20036

Ava B. Kleinman
Mark C. Rosenblum
Leonard J. Cali
AT&T Corp.
295 North Maple Avenue
Basking Ridge, NJ 07920

Edward Shakin
Edward D. Young, III
Michael E. Glover
Bell Atlantic Telephone Companies
8th Floor
1320 North Court House Road
Arlington, VA 22201

M. Robert Sutherland
N. A. Kirven Gilbert, III
BellSouth Corporation
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

Robert M. Lynch
Durward D. Dupre
Michael J. Zpevak
Robert J. Gryzmala
Southwestern Bell Telephone Company
Room 3520
One Bell Center
St. Louis, MO 63101

Marlin D. Ard
Randall E. Cape
Patricia L.C. Mahoney
Pacific Telesis Group
Room 1517
140 New Montgomery Street
San Francisco, CA 94105

Margaret E. Garber
Pacific Telesis Group
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004

R. Michael Senkowski
Robert J. Butler
Angela N. Watkins
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006

PTG